

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

JAMIE D BARKER
KRISTINA M BARKER
1177 EMILY DR.
MILFORD, OH 45150

CASE NO. 22-11596
(CHAPTER 13)
JUDGE BETH A. BUCHANAN

Debtors

CHAPTER 13 TRUSTEE'S MOTION TO DISMISS BOTH DEBTORS FOR FAILURE TO FILE DOCUMENTS AND
NOTICE OF HEARING

Now comes Margaret A. Burks, Standing Chapter 13 Trustee, and requests that the Court dismiss this case for FAILURE to file documents requested by the Trustee. 11 U.S.C Section 1307(c)(1). The documents in question are status reports on income. Debtor(s) have failed to file a status report on income/tax refunds and/or provide 2024 tax returns for review.

MEMORANDUM

Debtors failed to file the documents necessary to allow the Trustee to continue administration.

The Trustee requests that she be permitted to disburse funds in her possession pursuant to the confirmed plan, minus administrative costs, or if pre confirmation, that Trustee shall disburse funds in her possession to Debtors minus administrative costs. Any funds received after the entry of the Order of Dismissal shall be returned to Debtors.

The Trustee respectfully requests that the motion be granted.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney No. OH 0038798

Tammy E. Stickley, Esq.
Staff Attorney
Attorney Reg No. OH 0090122

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Cincinnati, OH 45202
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and

by **first class mail** on June 10, 2025 addressed to:

Debtors' Attorney:
MINNILLO LAW GROUP CO., LPA
2712 OBSERVATORY AVENUE
CINCINNATI, OH 45208

Debtor(s):
JAMIE D BARKER
KRISTINA M BARKER
1177 EMILY DR.
MILFORD, OH 45150

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

Document Page 3 of 4
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Debtors

NOTICE OF MOTION TO DISMISS AND HEARING

The Chapter 13 Trustee, Margaret A. Burks, has filed papers with the Court to dismiss your case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in this motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you or your attorney must:

File with the Court a response explaining your position by mailing your response by regular U.S. Mail to the address below OR your attorney must file a response using the court's ECF system. The Court must receive your response on or before the above date.

U.S. BANKRUPTCY COURT
ATRIUM II, SUITE 800
221 EAST 4TH STREET
CINCINNATI, OH 45202

You must also mail a copy to:

MARGARET A BURKS, TRUSTEE
CHAPTER 13 TRUSTEE
600 VINE, SUITE 2200
CINCINNATI, OH 45202

OFFICE OF THE U.S. TRUSTEE
J.W. PECK FEDERAL BUILDING
550 MAIN ST., ROOM 4-812
CINCINNATI, OH 45202

Debtors' Attorney:
MINNILLO LAW GROUP CO., LPA
2712 OBSERVATORY AVENUE
CINCINNATI, OH 45208

Debtor(s):
JAMIE D BARKER
KRISTINA M BARKER
1177 EMILY DR.
MILFORD, OH 45150

The Court will send you a separate notice if it sets a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

If a response is filed within the time provided above, then a hearing will be held on August 07, 2025 at 2:00 pm at U.S. Bankruptcy Court , Room 814, Courtroom 1, Atrium II, 221 East Fourth Street, Cincinnati, OH 45202. If no response is filed within the time provided, then no hearing will be held and the Court may enter an order dismissing this case.

Date: June 10, 2025

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.